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Agenda item 3
Basic programme of work of the Council

Single Convention on Narcotic Drugs, 1961, as amended by the Protocol amending the Single Convention on Narcotic Drugs, 1961 (New York, 8 August 1975)

Proposal of amendments by the Plurinational State of Bolivia to article 49, paragraphs 1 (c) and 2 (e)

Note by the Secretary-General

In its decision 2009/250 of 30 July 2009, the Economic and Social Council, taking note of the note by the Secretary-General (E/2009/78) on the proposal of the Government of the Plurinational State of Bolivia to amend article 49, paragraphs 1 (c) and 2 (e), of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,[1] decided, in accordance with article 47, paragraph 1, of the Convention as amended, to initiate the procedures established in paragraph 1 (b) of that article, which states that the parties shall be asked whether they accept the proposed amendment and also asked to submit to the Economic and Social Council any comments on the proposal.

The Secretary-General, acting in his capacity as depositary, communicated to the parties to the Convention the text of Council decision 2009/250 in a Depositary Notification[2] dated 30 July 2009.

The Secretary-General is hereby communicating to the Council a note verbale dated 28 January 2011 from the Permanent Mission of Germany to the United Nations (see annex).

[1] United Nations, *Treaty Series*, vol. 976, No. 14152.
[2] CN.474.2009.TREATIES-3.

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Annex

Note verbale dated 28 January 2011 from the Permanent Mission of Germany to the United Nations addressed to the Secretary-General

The Permanent Mission of Germany to the United Nations presents its compliments to the Secretary-General and, with reference to the Secretary-General's note CN.194.2009.TREATIES-2, dated 6 April 2009, has the honour to communicate the following:

The Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol amending the Single Convention on Narcotic Drugs, 1961, aims to limit the production of and trade in illegal substances by listing such substances that are qualified as narcotic drugs. Bolivia transmitted a note verbale dated 12 March 2009 to the Secretary-General with a view to amending article 49, paragraphs 1 (c) and 2 (e), of the Convention. Article 49, paragraph 1 (c), states that a party may, at the time of signature, ratification or accession, reserve the right to permit coca leaf chewing temporarily, provided that this chewing be abolished within 25 years from the coming into force of the Convention (article 49, paragraph 2 (e)). Bolivia proposed that these provisions be deleted.

The Secretary-General communicated the amendment proposed by Bolivia to the United Nations Economic and Social Council in the Depositary Notification dated 6 April 2009.

Pursuant to article 47, paragraph 1 (b), the Council decided to ask the parties to the Convention whether they accepted the amendment proposed by Bolivia and also asked them to submit comments on the proposal. This decision was communicated to the parties in a Depositary Notification dated 30 July 2009. If the proposed amendment is rejected by any party before 31 January 2011, the Council may decide, in the light of comments received from the parties, whether a conference shall be called to consider the said amendment.

In accordance with article 47, paragraph 1 (b), of the Convention, the Mission informs the United Nations that Germany does not accept the proposed amendment introduced by Bolivia.

This decision is based first and foremost on fundamental drug policy considerations. It also takes into account the fact that Bolivia has announced further steps towards legalizing coca leaf chewing.

At the same time, we recognize that the proposal touches upon complex development and health policy issues, in addition to intricate drugs issues. Germany knows that the question is of particular importance to Bolivia and that coca leaf chewing is viewed there as part of the cultural identity of the indigenous population, the majority of all Bolivians. We therefore consider it necessary to discuss the effects of coca leaf chewing in greater detail, in dialogue with Bolivia. Germany will give favourable consideration to the question of convening a conference of States to discuss the issue.

We know that Bolivia still considers combating the illegal trade in drugs to be a priority and continue to view Bolivia as a partner in all counter-narcotics issues. We are also aware that Bolivia continues to rely on and seek the support of the international community to step up its fight against the cultivation, trade and

smuggling of illegal drugs. In our view, such international cooperation will remain necessary in the future and we are investigating further options to help increase the efficiency and capabilities available for Bolivian counter-narcotics efforts and to support a development-oriented drug policy. In that context, we welcome and support the reopening of the United Nations Office on Drugs and Crime in Bolivia.